

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2008-\_\_\_\_-E**

IN RE:	)	
	)	
South Carolina Minerals, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b>COMPLAINT</b>
	)	
Aiken Electric Cooperative, Inc.,	)	
	)	
Defendant.	)	
_____	)	

The Complainant, South Carolina Minerals, Inc., complaining of Defendant herein, alleges the following:

1. Complainant South Carolina Minerals, Inc. ("SC Minerals"), a subsidiary of Consolidated Minerals, Inc., is a mineral mining corporation with three (3) plants in South Carolina. The plant at issue is located at:

1282 Atomic Road  
Beech Island, South Carolina 29842

Both South Carolina Minerals, Inc.'s and Consolidated Minerals, Inc.'s corporate headquarters are located at:

1616 South 14th Street  
P.O. Box 490180  
Leesburg, Florida 34749  
Telephone: (352)365-6522

The complainant's representative is Jeff Cherry at the corporate address listed above.

2. All communications or inquiries regarding this matter should be directed to legal counsel for South Carolina Minerals, Inc.:

Robert E. Tyson, Jr.  
Sowell Gray Stepp & Laffitte, LLC  
1310 Gadsden Street (29201)  
Post Office Box 11449  
Columbia, South Carolina 29211  
Phone: (803) 929-1400  
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3. Defendant Aiken Electric Cooperative, Inc. (“Aiken Electric”), an electric cooperative established under South Carolina law, provides electric service to residential, commercial, or industrial customers in South Carolina, subject to certain regulations by the South Carolina Public Service Commission (“Commission”). It is located at the following address:

2790 Wagener Road  
Aiken, South Carolina 29802  
Telephone: (803) 649-6245

4. The Commission has jurisdiction over the parties and the subject matter of this Complaint pursuant to S.C. Code Ann. §§ 58-27-10, et seq. This dispute is not a situation where a customer seeks to choose another supplier; rather, it is a situation where SC Minerals seeks to remain economically viable by lowering its energy costs by operating on electricity.

5. This dispute concerns the right of SC Minerals to obtain dependable electrical service within a reasonable time.

6. SC Minerals operates a mining facility with a large dredging machine rated at 800 horse power. This dredger, which handles the majority of the mining operations, currently operates on diesel fuel. Due to the sharp rise in diesel fuel costs, it has become non-economical to run the dredger off diesel fuel.

7. SC Mineral’s dredger is within Aiken Electric’s service territory.

8. Currently, Aiken Electric supplies the power to a SC Minerals premises but not the dredger itself. Aiken Electric has a power line which is labeled “Aiken Power Coop Existing Power Line” on attached **Exhibit A**. Presently, the power requirements are minimal such that Aiken Electric’s line provides adequate and reasonable service to the SC premises.

9. Given the significant load of the dredger facility, Aiken Electric’s current line is not adequate to handle this additional load of the dredger.

10. In order for Aiken Electric to provide adequate service to the SC Minerals dredger, Aiken Electric would have to upgrade its line which Aiken has estimated at a cost over \$350,000. Aiken Electric has stated such cost would be borne by SC Minerals.

11. As part of the line upgrade, Aiken Electric has stated it would take more than one year before construction could be completed such that the dredger facility could take electricity.

12. Currently, it is costing SC Minerals over \$700 a day to run the dredger off of diesel fuel instead of electricity, not including the down time caused by the maintenance of the diesel engines. With the upgrade cost and the continual rise in diesel fuel prices, coupled with the unreasonable amount of time the upgrade would take, SC Minerals will lose all economic benefit from switching the dredger to electricity.

13. South Carolina Electric & Gas Company, Inc. (“SCE&G”) operates a power line that runs along the boundary of SC Mineral’s property, and is marked “South Carolina Power & Gas” on attached **Exhibit A**. The dredger is located 1,500 feet from this line.

14. SCE&G’s power line is adequate to support the full load of the dredger and the remaining load of the SC Minerals premises. Service to the dredger could be installed immediately, and SC Minerals would be able to take the dredger off of diesel fuel.

15. In an attempt to promote economic efficiency and development in South Carolina, S.C. Code Ann. Sec. 58-27-660 provides the Commission has the authority to order service "upon a finding that service to the consumer by the electric supplier which is then furnishing service, or which has the right to furnish service, to the premises, is or will be inadequate or undependable, and cannot or will not be made adequate and dependable within a reasonable time."

16. SC Mineral should have the right to obtain electricity from SCE&G because Aiken Electric's service is not adequate and cannot be made adequate within a reasonable time pursuant to the statutory provisions.

17. A controversy exists between the parties which is ripe for determination, and SC Mineral is entitled to declaratory relief.

18. This Commission should find that Aiken Electric's service to SC Minerals will be inadequate, and that this service cannot be made adequate within a reasonable time. The Commission should further find that SC Minerals has the right to obtain electricity from SCE&G.

WHEREFORE, SC Minerals prays for declaratory relief and an order allowing SCE&G to furnish service to the SC Minerals premises.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

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November 10, 2008  
Columbia, South Carolina